



ATTORNEYS AT LAW

nmllplaw.com

Ira S. Nesenoff  
 Andrew T. Miltenberg  
 Stuart Bernstein

Barbara H. Trapasso  
 Tara J. Davis  
 Diana R. Warshow  
 Gabrielle M. Vinci  
 Kara L. Gorycki  
 Cindy A. Singh  
 Nicholas E. Lewis  
 Adrienne D. Levy  
 Ryaan Nizam  
 Regina M. Federico

Philip A. Byler  
*Senior Litigation Counsel*  
 Rebecca C. Nunberg  
*Counsel*  
 Jeffrey S. Berkowitz  
*Counsel*  
 Marybeth Sydor  
*Title IX Consultant*

March 12, 2020

**VIA CM/ECF**

Honorable Glenn T. Suddaby  
 United States Chief Judge  
 Federal Building and U.S. Courthouse  
 P.O. Box 7367  
 Syracuse, NY 13261

**Re: *Denise Payne v. Cornell University***  
**Civil Index No.: 3:18-cv-01442**

Dear Your Honor,

Please be advised, the undersigned represents Plaintiff Denise Payne ("Plaintiff") in the above referenced matter. The undersigned writes to respectfully request a brief extension of the current Motion for Summary Judgment briefing schedule and an adjournment of the return date of Defendant Cornell University's ("Defendant's") Motion for Summary Judgment. Currently, Plaintiff's opposition is to be served on or before March 16, 2020 and Defendant's reply papers and filing of the motion papers is due on or before March 23, 2020, and the submission return date for Defendant's motion for summary judgment is April 2, 2020. The undersigned has conferred with Defendant's counsel who does not object to this request. This is Plaintiff's first request to extend the current Motion for Summary Judgment briefing schedule and adjourn the Motion for Summary Judgment return date.

The basis for this request is that the undersigned, who is lead counsel on this matter and is the counsel solely responsible for drafting Plaintiff's opposition to Defendant's motion for summary judgment, has experienced significant scheduling conflicts which has severely affected counsel's ability to assess and respond to Defendant's motion. First, the undersigned was scheduled to conduct depositions and a mediation in Schenectady, New York from March 9<sup>th</sup> – March 10<sup>th</sup>, 2020. In addition, the undersigned has been focused extensively on preparation for an upcoming oral argument before the Eighth Circuit Court of Appeals in the matter of *Tom Rossley v. Drake University, et al.*, Eighth Circuit Court of Appeals, Case No. 19-1392, and is scheduled to be in St. Paul, Minnesota from March 11<sup>th</sup> – March 12<sup>th</sup> for the upcoming appellate oral argument. In addition, the undersigned's family member recently passed away necessitating her appearance funeral of Shiva services over the March 13 through March 15 weekend.

In light of the foregoing, the undersigned's ability to work with Plaintiff and perfect Plaintiff's opposition papers has been significantly hindered and the undersigned requires additional time to complete and file Plaintiff's opposition papers.



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With the Court's permission, the parties have conferred and the undersigned respectfully proposes the following modified briefing schedule:

Plaintiff's deadline to serve opposition papers	March 30, 2020
Defendant's deadline to serve reply papers And file all motion papers	April 6, 2020
Return Date for Defendant's motion for summary Judgment, on submission	April 16, 2020

Counsel remains available should the court have any questions or concerns regarding this application. Thank you.

Very truly yours,  
NESENOFF & MILTENBERG, LLP

By: /s/ Gabrielle Vinci  
Gabrielle M. Vinci, Esq.

CC: All Counsel